IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 4947 OF 2005

Ornate Multi-Model Carriers
Pvt. Ltd. and another ...Applicants

Versus

Mr. Krishnakumar Dave & Anr ...Respondents

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Mr. S.G. Abbas Kazami, Advocate for Applicants.
Ms. Nikhila Ajwani i/b M/s. Dave & Girish Co. for Respondent No.1.
Mr. B.H. Mehta, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 21ST SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the applicants i.e. original accused, the learned advocate for the respondent i.e. original complainant and the learned A.P.P. for the State.

2. The applicants have prayed for quashing of process issued against them in Criminal Case No. 21/SW/2005 which is pending in the Court of learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai. In the said case, process has been issued against the applicants under Sections 418 and 420 of I.P.C.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap V. Padode and Anr, reported in 2005(3) Mh.L.J. 778,**

in my opinion, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of four weeks from today. I am informed that the date before the trial Court is on 4.10.2005. In view of this statement, the trial Court shall not proceed with the trial on 4.10.2005 and for a period of 15 days thereafter. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

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